

SMOKE AND TOBACCO FREE CAPITOL HILL

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bruce R. Cutler

Senate Sponsor: Brian Zehnder

LONG TITLE

General Description:

This bill prohibits smoking and the use of tobacco at the capitol hill complex and provides penalties for violating this prohibition.

Highlighted Provisions:

This bill:

- defines terms;
- prohibits smoking and the use of tobacco at the capitol hill complex;
- permits the State Capitol Preservation Board to designate an area at the capitol hill complex for smoking and the use of tobacco; and
- provides penalties for violating the provisions of this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-10-113, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-10-113** is enacted to read:



76-10-113. Restriction on tobacco use on capitol hill complex -- Penalties.

(1) As used in this section:

(a) "Board" means the State Capitol Preservation Board created in Section [63C-9-201](#).

(b) "Capitol hill complex" means the same as that term is defined in Section [63C-9-102](#).

(c) "Smoking" means the same as that term is defined in Section [26-38-2](#).

(d) (i) "Tobacco" means:

(A) a cigarette or a tobacco product, as those terms are defined in Section [59-14-102](#);

or

(B) an electronic cigarette product, as that term is defined in Section [59-14-802](#).

(ii) "Tobacco" does not include a cessation product specifically approved by the United States Food and Drug Administration for the cessation of tobacco use.

(2) Except as provided in Subsection (5), smoking and the use of tobacco are prohibited indoors and outdoors at the capitol hill complex.

(3) (a) A person who violates this section is guilty of an infraction and is subject to a maximum fine of \$45.

(b) Before July 1, 2019, a peace officer:

(i) may not issue a citation to an individual who violates this section; and

(ii) shall issue a warning to an individual who violates this section, informing the individual regarding the restrictions in this section.

(c) The court may suspend the fine for a violation of this section if the individual:

(i) has not previously been convicted of a violation of this section; and

(ii) proves to the court that the individual has enrolled in a tobacco cessation program.

(4) The board shall:

(a) post signs that indicate that smoking and the use of tobacco are prohibited, both indoors and outdoors, at the capitol hill complex, except in a designated area;

(b) coordinate with the Office of Tourism within the Governor's Office of Economic Development to make reasonable accommodations, primarily for the benefit of tourists and other visitors to the capitol hill complex who wish to smoke; and

(c) coordinate with the Department of Human Resource Management and the Department of Health to provide educational materials for employees describing resources that

are available to employees who work at the capitol hill complex for tobacco prevention,
reduction, and cessation.

(5) (a) The board may establish a single designated area for smoking and the use of tobacco on the capitol hill complex for tourists, visitors, and employees that is exempt from the restriction in Subsection (2).

(b) The size of the area designated under Subsection (5)(a) may not exceed 150 square feet.

(c) If the board designates an area under Subsection (5)(a), the board shall:

(i) clearly mark the area as a designated area for smoking and the use of tobacco;

(ii) locate the area in a manner that is consistent with the requirements of Title 26, Chapter 38, Utah Indoor Clean Air Act; and

(iii) locate the area outside the area bounded by the State Capitol, State Office Building, House Building, and Senate Building.

(6) To the extent that provisions of this section are in conflict with provisions of Title 26, Chapter 38, Utah Indoor Clean Air Act, the provisions of this section are controlling.

Legislative Review Note
Office of Legislative Research and General Counsel